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SIXTIETH LEGISLATURE

FIFTY-SECOND LEGISLATIVE DAY
WEDNESDAY, MARCH 3, 2010

Senate Chamber

President Little called the Senate to order at 11 a.m.

Roll call showed all members present except Senator Keough, absent and formally excused by the Chair; and Senators Bair, Bilyeu, Brackett, Broadsword, Cameron, Hammond, LeFavour, Mortimer, and Siddoway, absent and formally excused on Committee business.

Prayer was offered by Chaplain Montie Ralstin.

The Pledge of Allegiance was led by Evan Lantzy, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of March 2, 2010, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

Senators Bair, Brackett, and Siddoway were recorded present at this order of business.

March 2, 2010

The JUDICIARY AND RULES Committee reports that [S 1388](#), [S 1389](#), [S 1390](#), and [S 1391](#) have been correctly printed.

DARRINGTON, Chairman

[S 1388](#) was referred to the Finance Committee.

[S 1389](#) was referred to the Transportation Committee.

[S 1390](#) was referred to the Judiciary and Rules Committee.

[S 1391](#) was referred to the Health and Welfare Committee.

March 2, 2010

The JUDICIARY AND RULES Committee reports that Enrolled [S 1256](#) and [S 1257](#) were delivered to the Office of the Governor at 2:04 p.m., March 2, 2010.

DARRINGTON, Chairman

The report was ordered filed in the office of the Secretary of the Senate.

March 2, 2010

The JUDICIARY AND RULES Committee reports that [S 1267](#), [S 1287](#), and [S 1308](#) have been correctly enrolled.

DARRINGTON, Chairman

The President signed Enrolled [S 1267](#), [S 1287](#), and [S 1308](#) and ordered them transmitted to the House for the signature of the Speaker.

Senators Broadsword, Hammond, and Mortimer were recorded present at this order of business.

March 2, 2010

The AGRICULTURAL AFFAIRS Committee reports out [H 464](#), [H 465](#), and [S 1344](#) with the recommendation that they do pass.

CORDER, Chairman

[H 464](#), [H 465](#), and [S 1344](#) were filed for second reading.

March 2, 2010

The HEALTH AND WELFARE Committee reports it has had under consideration the Gubernatorial appointment listed below and the Committee recommends that said appointment be confirmed by the Senate:

Kent Ireton to the Commission for the Blind and Visually Impaired, term to expire July 1, 2012.

LODGE, Chairman

The Gubernatorial appointment was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

March 2, 2010

The HEALTH AND WELFARE Committee reports out [H 481](#) and [H 483](#) with the recommendation that they do pass, and with the recommendation that they be placed on the Consent Calendar.

LODGE, Chairman

[H 481](#) and [H 483](#) were filed for second reading.

March 2, 2010

The HEALTH AND WELFARE Committee reports out [H 482](#) with the recommendation that it do pass.

LODGE, Chairman

[H 482](#) was filed for second reading.

March 2, 2010

The LOCAL GOVERNMENT AND TAXATION Committee reports out [HCR 45](#) and [H 513](#) with the recommendation that they do pass.

HILL, Chairman

[H 513](#) was filed for second reading.

[HCR 45](#) was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

March 2, 2010

The TRANSPORTATION Committee reports out [S 1357](#), [S 1359](#), and [S 1360](#) with the recommendation that they do pass.

MC GEE, Chairman

[S 1357](#), [S 1359](#), and [S 1360](#) were filed for second reading.

March 3, 2010

The EDUCATION Committee reports out [S 1364](#) with the recommendation that it be referred to the Fourteenth Order of Business for amendment.

GOEDDE, Chairman

There being no objection, [S 1364](#) was referred to the Fourteenth Order of Business, General Calendar.

March 3, 2010

The STATE AFFAIRS Committee reports out [S 1378](#) with the recommendation that it be referred to the Fourteenth Order of Business for amendment.

MCKENZIE, Chairman

There being no objection, [S 1378](#) was referred to the Fourteenth Order of Business, General Calendar.

March 2, 2010

The TRANSPORTATION Committee reports it has had under consideration the Gubernatorial appointment listed below and the Committee recommends that said appointment be confirmed by the Senate:

Charles "Chip" A. Kemper to the Idaho Aeronautic Advisory Board, term to expire January 31, 2013.

MC GEE, Chairman

The Gubernatorial appointment was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Ninth Order of Business.

Messages from the House

March 2, 2010

Dear Mr. President:

I transmit herewith [H 526](#), [H 510](#), [H 561](#), [H 545](#), [H 555](#), [H 470](#), [H 517](#), [H 518](#), [H 519](#), [H 575](#), [H 557](#), [H 559](#), [H 560](#), [H 521](#), [H 588](#), [H 597](#), and [HCR 46](#), which have passed the House.

ALEXANDER, Chief Clerk

[H 526](#), [H 510](#), [H 561](#), [H 545](#), [H 555](#), [H 470](#), [H 517](#), [H 518](#), [H 519](#), [H 575](#), [H 557](#), [H 559](#), [H 560](#), [H 521](#), [H 588](#), [H 597](#), and [HCR 46](#) were filed for first reading.

March 2, 2010

Dear Mr. President:

I return herewith [S 1265](#), [S 1266](#), [S 1306](#), [SCR 122](#), [SCR 121](#), and [SJM 103](#), which have passed the House.

ALEXANDER, Chief Clerk

[S 1265](#), [S 1266](#), [S 1306](#), [SCR 122](#), [SCR 121](#), and [SJM 103](#) were referred to the Judiciary and Rules Committee for enrolling.

On request by Senator Stegner, granted by unanimous consent, the Senate advanced to the Eleventh Order of Business.

Introduction, First Reading, and Reference of Bills, House Petitions, Resolutions, and Memorials

S 1392

BY FINANCE COMMITTEE

AN ACT

APPROPRIATING MONEYS TO THE DEPARTMENT OF INSURANCE FOR FISCAL YEAR 2011; AND LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS.

S 1393

BY FINANCE COMMITTEE

AN ACT

APPROPRIATING MONEYS TO THE INDUSTRIAL COMMISSION FOR FISCAL YEAR 2011; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; AND PROVIDING LEGISLATIVE INTENT ON OFFICE CONSOLIDATION.

S 1394

BY FINANCE COMMITTEE

AN ACT

APPROPRIATING MONEYS TO THE LAVA HOT SPRINGS FOUNDATION FOR FISCAL YEAR 2011; AND LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS.

S 1395

BY FINANCE COMMITTEE

AN ACT

APPROPRIATING MONEYS TO THE ENDOWMENT FUND INVESTMENT BOARD FOR FISCAL YEAR 2011; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; PROVIDING A CONTINUOUS APPROPRIATION FOR CERTAIN COSTS; AND EXPRESSING LEGISLATIVE INTENT REGARDING THE TRANSFER OF MONEYS FROM THE EARNINGS RESERVE FUNDS TO THE INCOME FUNDS.

S 1396

BY FINANCE COMMITTEE

AN ACT

APPROPRIATING MONEYS TO THE OFFICE OF THE GOVERNOR FOR THE OFFICE OF ENERGY RESOURCES FOR FISCAL YEAR 2011; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; AND REAPPROPRIATING CERTAIN UNEXPENDED AND UNENCUMBERED FUND BALANCES.

[S 1392](#), [S 1393](#), [S 1394](#), [S 1395](#), and [S 1396](#) were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

[H 526](#) and [H 510](#), by Commerce and Human Resources Committee, were introduced, read the first time at length, and referred to the Commerce and Human Resources Committee.

[H 561](#), by Resources and Conservation Committee, was introduced, read the first time at length, and referred to the Resources and Environment Committee.

[H 545](#), by Education Committee, was introduced, read the first time at length, and referred to the Education Committee.

[H 555](#), by Resources and Conservation Committee, was introduced, read the first time at length, and referred to the State Affairs Committee.

[H 470](#), [H 517](#), [H 518](#), and [H 519](#), by Health and Welfare Committee, were introduced, read the first time at length, and referred to the Health and Welfare Committee.

[H 575](#), by State Affairs Committee, was introduced, read the first time at length, and referred to the State Affairs Committee.

[H 557](#), [H 559](#), and [H 560](#), by Resources and Conservation Committee, were introduced, read the first time at length, and referred to the Resources and Environment Committee.

[H 521](#) and [H 588](#), by State Affairs Committee, were introduced, read the first time at length, and referred to the State Affairs Committee.

[H 597](#), by Revenue and Taxation Committee, was introduced, read the first time at length, and referred to the Local Government and Taxation Committee.

[HCR 46](#), by State Affairs Committee, was introduced, read at length, and referred to the State Affairs Committee.

The Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

Senators Bilyeu and LeFavour were recorded present at this order of business.

[H 469](#), [H 484](#), and [H 494](#), by Health and Welfare Committee, were read the second time at length and filed for third reading.

[H 468](#), by Health and Welfare Committee, was read the second time at length and filed for third reading, Consent Calendar.

[H 444](#), as amended, by Judiciary, Rules, and Administration Committee, was read the second time at length and filed for third reading.

[H 493](#) and [H 544](#), by Education Committee, were read the second time at length and filed for third reading.

The Senate advanced to the Thirteenth Order of Business.

Third Reading of Bills

Senator Cameron was recorded present at this order of business.

[S 1381](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Winder arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bilyeu, Bock, Broadsword, Cameron, Coiner, Corder, Davis, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Schroeder, Siddoway, Stegner, Stennett (Stennett), Werk, Winder. Total - 27.

NAYS—Bair, Brackett, Darrington, Fulcher, Geddes, Pearce, Smyser. Total - 7.

Absent and excused—Keough. Total - 1.

Total - 35.

Whereupon the President declared [S 1381](#) passed, title was approved, and the bill ordered transmitted to the House.

[S 1354](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Pearce arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—Keough. Total - 1.

Total - 35.

Whereupon the President declared [S 1354](#) passed, title was approved, and the bill ordered transmitted to the House.

[S 1379](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator McKenzie arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—Keough. Total - 1.

Total - 35.

Whereupon the President declared [S 1379](#) passed, title was approved, and the bill ordered transmitted to the House.

President Little called President Pro Tempore Geddes to the Chair.

[S 1330](#), as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Bock arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 33.

NAYS—None.

Absent and excused—Darrington, Keough. Total - 2.

Total - 35.

Whereupon the President Pro Tempore declared [S 1330](#), as amended, passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

Miscellaneous Business

On motion by Senator Davis, seconded by Senator Kelly, by voice vote, the Senate adjourned at 12:10 p.m. until the hour of 10:30 a.m., Thursday, March 4, 2010.

BRAD LITTLE, President

Attest: JEANNINE WOOD, Secretary